THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 754 OF 2007

DATED: 06-11-2007

Between:

Smt. Chinni Bharathi,
W/o. Veera Venkata Raghava Raju

… Petitioner

And

District Registrar Krishna,
Machilipatnam, Krishna District
and another

… Respondents

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ORDER:

This writ petition is filed questioning the order dated 16-09-2006 passed by the District Registrar, Krishna.

The petitioner has purchased a site admeasuring 242 square yards from one Venkata Someswara Rao, who is a resident of Ayyavari Rudravaram village. The said purchase was recorded in the document No.1715/2005 and was presented for registration by showing the value of the property as Rs.65,400/- and based on the same, stamp duty was paid. After the registration of the document, an inspection was made and it was found that the document was undervalued. Further, it is the case of the first respondent-District Registrar, that the value of the subject property is Rs.1,15,332/-. But, however, the petitioner (by mentioning the value as Rs.65,400/-) got the document registered and failed to pay the proper stamp duty. In that view of the matter, the petitioner was asked to pay the deficit stamp duty along with penalty to the tune of Rs.18,800/-, by the impugned order.

Though the petitioner has questioned the validity of the order on several grounds, but, from a reading of the impugned order, it appears that the same is passed by the District Registrar in exercise of powers under Sec.41-A(2) of the Indian Stamp Act, 1899. As against the orders of the District Registrar, there is a statutory remedy of appeal before the Chief Controlling Revenue Authority under Sec.41-A(3) of the Act.

In that view of the matter, there is no special reason to entertain this writ petition, which is filed bypassing the remedy of appeal provided to the petitioner.

But, however, at the stage of admission, on 11-01-2007, this Court granted interim orders of suspension for a period of three weeks and subsequently, the same has not been extended by this Court.

In that view of the matter, I dispose of the writ petition permitting the petitioner to prefer an appeal to the Chief Controlling Revenue Authority against the order dated 16-09-2006 issued in proceedings No.G6/PFSI/165/2006 by the District Registrar, Krishna at Machilipatnam within a period of two months from the date of receipt of a copy of this order. After filing such appeal, the appellate authority shall entertain and consider the same on merits without reference to the limitation prescribed under the Act. Till the disposal of such appeal, the impugned order dated 16-09-2006 shall remain suspended. It is also made clear that if no appeal is preferred within the time stipulated by this Court, it is open to the respondents to enforce the impugned order and collect the stamp duty and penalty as per the order.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

R. SUBHASH REDDY, J.

Dt: 06-11-2007
Rns

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